

**Federal Voting Assistance
Program**
U.S. Department of Defense

Voting Information News

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*A roundup of voting news from the Federal Voting Assistance
Program (FVAP)*

For voters, potential voters and those who assist voters.

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Electronic Transmission of Election Materials-IT MAY SAVE YOUR VOTE!

With primaries already in full swing, you want to make sure that you know all of your options when filling out, voting, and sending materials.

Insufficient mail transit time is a common obstacle that many citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* encounter when voting by absentee ballot. The FVAP Electronic Transmission Service (ETS - email and fax) has been very successful in improving delivery of voting materials. The service is an effective and efficient alternative to the by-mail delivery of election materials between local election officials and UOCAVA voters (where permitted by state law). With proper controls in place, the service can reduce the ballot transit time at least by half, helping to ensure that citizens are able to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

To date, 51 states and territories allow for some type of electronic transmission of absentee voting materials for UOCAVA citizens. The provisions and guidelines for transmitting election materials electronically are identified in each state and territory section of the 2008-09 *Voting Assistance Guide* (the is available in hardcopy format or online at the FVAP Website www.fvap.gov). To maintain the integrity of the process, citizens should follow the instructions provided in Appendix B of the Guide.

An ETS transmission sheet, which can be duplicated for repeat use, is provided on page 433.

In addition to [Appendix B](#) the following guidance is provided for those citizens whose state allows electronic transmission:

- A citizen should provide a Commercial return phone and fax number (not DSN numbers) and an email address. Email has proven to be an effective means of communication between the local election official and the citizen.
- The fax number should include country & city codes and be listed as it would be dialed from the U.S.
- In the "Remarks" section of the FPCA, provide additional information that may assist the local election official in determining your eligibility to vote. For example, a maiden name

(or name used in previous registration). An alternate telephone number of a local contact can be listed in this section in the event the local election official has difficulty contacting you through the numbers provided on the form.

- Ensure the correct local election official (county, city or town office) is specified.
- Each request must have a separate completed cover sheet.
- Only one Federal Post Card application (FPCA) or ballot should be transmitted at a time whether by fax or email. (Use separate transmissions).
- Originals should be mailed after electronic transmission.
- When faxing election materials, we recommend use of the FVAP ETS at DSN (military) 223-5527, (703) 693-5527 or toll-free 1-800-368-8683. Refer to Appendix B of the *Guide* for emailing instructions.
- If a state or territory allows electronic transmission of the voted ballot, the voter must sign a statement waiving his or her right to secrecy.

IMPORTANT: Voting Assistance Officers are reminded that they are performing duties in an official capacity and are obliged to protect the integrity of the electoral process and the confidentiality of the voter and his/her vote.

Voting Residency Guidelines for UOCAVA Citizens

During the course of an election year, the Federal Voting Assistance Program (FVAP) receives numerous queries from citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* regarding their state of residence for voting purposes. While the issue of voting residency can be complex, the following are general guidelines for helping members of the Uniformed Services, the merchant marine and their family members and civilian citizens residing outside the U.S. determine their state of legal residence for voting purposes.

Uniformed Services & Family Members

Foremost, you should keep in mind that Uniformed Service personnel and their family members may not arbitrarily choose which state to declare as their legal voting residence without meeting the state's residency requirement. The following are basic guidelines to follow in determining residency for military personnel and their family members:

- One must have or have had physical presence in the state and simultaneously the intent to remain or make the state his/her home or domicile.
- One may only have one legal residence at a time, but may change residency each time he or she is transferred to a new location. One must make a conscious decision to change residency; it cannot be done arbitrarily. There must be certain specific actions which may be interpreted as conscious decisions, e.g., registering to vote, registering a car, qualifying for in-state tuition, obtaining a driver's license, etc.
- Once residence is changed, a person may not revert to the previous residence without re-establishing new physical presence and intent to remain or return.

"Home of Record" should not be confused with legal residence. "Home of Record" is the address a military member had upon entry into the Service. It does not change. "Home of Record" and legal residence may be the same address, and usually are, when a person enters military service. It can remain so even though the person or his/her relatives no longer live at

that location, as long as the military member has not established a legal residence elsewhere after entering active duty. If a military member changes legal residence after entering active duty, he/she may not revert to claiming the "Home of Record" as legal residence without re-establishing physical presence and intent to remain in or return to that state.

Family members of active duty military personnel may each have a different legal residence. **A spouse does not automatically assume the legal residence of the active duty member upon marriage.**

The spouse must meet the physical presence and intent to remain or return criteria. Minors typically assume the legal residence of either parent when they become 18. They also have the option of establishing their own legal residence which can be different from either parent, assuming they have met the guidelines of physical presence and intent to remain or return.

These are general guidelines for determining legal residency for voting purposes. Citizens should consult their legal or JAG officer for specifics.

Overseas Civilian Citizens

The following are voting residency guidelines for citizens residing outside the U.S. The "legal state of residence" for voting purposes is the state in which the citizen last resided immediately prior to his or her departure from the U.S. This right extends to overseas citizens even though they may no longer own property or have other ties to their last state of residence and their intent to return to that state may be uncertain.

Keep in mind that exercising one's right to vote in elections for Federal offices only does not affect the determination of residence or domicile for purposes of any tax imposed under Federal, state or local law. **Voting in an election for Federal office only may not be used as the sole basis to determine residency for the purposes of imposing state and local taxes.** If you claim a particular state as your residence and have other ties with that state in addition to voting, then you may be liable for state and local taxation, depending upon that particular state law.

Voting Assistance Officers at Embassies/Consulates will assist overseas U.S. citizens in obtaining and completing Federal Post Card Application (FPCA) requests for registration and absentee ballots; witnessing or notarizing FPCA forms (if required); and, providing other absentee voting information as needed.

Embassy/Consulate locations may serve also as postage-free mailing points for FPCA forms and other election materials to be mailed back to your local voting jurisdiction in the U.S. where absentee registration and ballot requests are actually processed. Organizations of American citizens overseas such as Democrats Abroad, Republicans Abroad, etc., and overseas corporations have the voting materials necessary to assist citizens in requesting registration and ballots.

Always, when completing the FPCA, be sure to consult the appropriate state section in Chapter Three of the *Guide* and complete the residence section of the form by entering the complete street address of your last residence in that state, including your street or rural route and number. If using a rural route number, include specific information on the location of

residence. Your right to vote in your state and determination of voting precinct depend on your physical residence while you were within that state.

Your right to vote in your state and determination of voting precinct depend on your physical residence while you were within that state. Only 15 states, to date, provide exemption to the physical presence law for UOCAVA citizens overseas. These states allow eligible U.S. citizens who have never resided in the U.S. to register and vote where a parent would be eligible to vote. Refer to "State by State Instructions" at www.fvap.gov for specific information (Chapter Three of the Guide).

Additional information on residency is provided in Chapter Two of the *Guide*.

February Primaries - It's a busy month

Alabama 02/05 (P)
Arizona 02/05 (P)
Arkansas 02/05 (P)
California 02/05 (P)
Connecticut 02/05 (P)
Delaware 02/05 (P)
Georgia 02/05 (P)
Illinois 02/05 (P, S)
Massachusetts 02/05 (P)
Missouri 02/05 (P)
New Jersey 02/05 (P)
New Mexico 02/05 (DEM-P)
New York 02/05 (P)
Oklahoma 02/05 (P)
Tennessee 02/05 (P)
Utah 02/05 (P)
Louisiana 02/09 (P)
District of Columbia 02/12 (P)
Maryland 02/12 (P, S)
Virginia 02/12 (P)
Washington 02/19 (P)
Wisconsin 02/19 (P)

Onsite VAO Training Courses

The FVAP provides two versions of the VAO training courses. Each two-hour workshop is an interactive, hands-on training session that provides critical information, resources, and tools that support the successful performance of a VAO in his or her duties. During the course VAOs use the current Voting Assistance Guide which contains state by state instructions on how to properly complete the various voting forms. The workshop certifies the VAO and helps ensure that the citizens they serve are fully prepared to participate in the electoral process. Workshops are available worldwide.

Contact your Service Voting Action Officer (contact information below) for a workshop near

you. Workshops are also held twice monthly at FVAP headquarters in Arlington, VA. Contact the FVAP (contact information below) if you would like to attend one of them. (Also read "Online VAO Training" article below.)

Online VAO Training Courses

In addition to the onsite VAO Training courses, the FVAP has the two versions (Uniformed Service members, and Civilian residing outside the U.S.) of the VAO training courses online in Adobe Acrobat and Microsoft PowerPoint 2003 formats at www.fvap.gov. The Adobe Acrobat version requires Acrobat Reader 7.0 or higher to view. This material is also on the VAO Resources CD, available upon request through email at vote@fvap.ncr.gov.

FVAP also provides a self-administered VAO training, available online and on the VAO Resources CD. The self-administered training is targeted to VAOs who are not able to attend an instructor-led workshop. Once the training is complete, the VAO will be able to print off a training certificate to place in the Voting Program Continuity Folder.

It is important to use the 2008-09 *Voting Assistance Guide*, and the FPCA (SF76) and the FWAB (SF186) while taking any of these courses.

Voting Assistance Officers "To Do" This Month:

- Make sure you have received your copy of the 2008-09 *Voting Assistance Guide*. If you have not received one yet, contact your organization or installation VAO (IVAO). Refer to Appendix H of the Guide for Instructions for ordering voting materials.
- Ensure you update your Election Dates Poster (EDPO8) and the hardcopy of the *Guide* by visiting www.fvap.gov and selecting "[Changes to the Voting Assistance Guide](#)".
- Distribute Federal Post Card Applications (FPCAs) to all members of your unit and family members and overseas citizens who did not receive their FPCAs in January. Coordinate with local organizations so they can emphasize the importance of voting at their next meeting. Visit www.fvap.gov for on-line materials and help.
- Ensure you have an adequate supply of Federal Write-In Absentee Ballots (FWABs) for deploying and OCONUS personnel and all private overseas citizens. Be aware that some states have expanded use of the FWAB to primaries and non-general elections. Consult the *Guide* for details.
- Conduct an orientation for all members of your organization on the importance of voting in primary elections. Be sure you have participation by senior level military or State Department managers as applicable.
- Be sure your installation or Embassy/Consulate telephone information operator has your name and telephone number for referrals.
- Check with communications and distribution centers or the voting officer at the next higher organizational level to ensure you are receiving voting information in a timely manner.

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Service Voting Action Officers

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World Wide Web: <https://www.hrc.army.mil/site/Active/TAGD/pssd/psb/votingindex.htm>

Dept. of the Navy: Mr. Dave Stevens

tel: (901) 874-4634, 1-866-827-5672, Option 6

fax: (901) 874-6844, DSN 882-6844

e-mail: vote@navy.mil

World Wide Web:

www.cni.navy.mil/cnic_hq_site/BaseSupport/CommandStaff/NavyVotingProgram/index.htm

Dept. of the Air Force: Mr. Gilbert D. Harrison

tel: (210) 565-5000, toll free: 1-800 616-3775 (Select options 1, then 1, then 2 from menu),

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World Wide Web: www.afcrossroads.com/VoteFund/Vote/default.htm

Marine Corps: Mr. David E. James

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World Wide Web: <http://www.manpower.usmc.mil/voting>

U.S. Coast Guard: LTJG Frank Marcheski

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World Wide Web: www.uscg.mil/hq/g-w/g-wp/g-wpm/g-wpm-1/VotingAssistance/Voting_Assistance.htm

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Visit our website for international toll-free phone and fax numbers.

E-Mail:

vote@fvap.ncr.gov

Comments or suggestions on this newsletter are welcome.

We're on the Web!

www.fvap.gov

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